

shutters fall off, you can sue them for all the damage they cause you as a result of their incompetence.

But if an insurance company insures the health of your daughter and they deny her the right to see a specialist, and she gets very sick as a result of it, you cannot sue the insurance company because they are protected by this 1974 Federal law called ERISA that we are talking about.

The only two businesses in America that are effectively immune from responsibility in a court of law are managed care plans and nuclear power plants. Everyone else is held accountable in a court of law, and we believe, I believe the majority of us in this Chamber believe, that that should stop in the case of managed care companies. They should be held accountable the same way everyone else in American society is for their decisions.

That is the heart of the real Patients' Bill of Rights that was introduced by the gentleman from Michigan (Mr. DINGELL), the senior member of the House of Representatives, and co-sponsored by many of us at the beginning of this session.

We are not so fixated in our beliefs that we believe that we are a thousand percent right and no one else can disagree with us. I think we are right. I think the Dingell bill should be enacted. President Clinton has said he would sign it. I think it would be good for the American people because it would for the first time hold the managed care companies accountable in the same way that everyone else is held accountable.

But the majority here is not content to just say they disagree with us. The majority will not even let it come to a vote. So we can vote on naming Post Offices; we can vote on what should happen in Kosovo, as we should; we can vote on what we ought to do to regulate pharmaceutical products or to regulate the Y2K problem; we can vote on nuclear policy with the Peoples' Republic of China, all of which we should be talking about and doing.

But for some reason, we cannot vote on this. We cannot bring this idea to the floor and let those of us who believe it is the right thing vote yes and those who disagree with us try to amend what we say or vote no. There has been no meaningful movement of this legislation to the floor.

As a result of that, on Wednesday many of my Democratic colleagues, and I hope some Republican colleagues, will join us in signing a petition that forces this bill to the floor so we can have our day in court, we can have our debate, we can either win or lose.

There is some other action on this which the gentleman from New Jersey (Mr. PALLONE) made some reference to. There is an attempt by majority members of the committee on the Committee on Education and the Workforce to break up the Patients' Bill of Rights into little pieces and have us consider a little piece at a time.

My subcommittee, which is the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce will begin that process next week. I am glad we are starting the process, but I would say this, if we are going to start it, let us really do it right and let us finish it.

Tomorrow at 10 o'clock members of our committee will be making an announcement. It is a strategy that we have to try to compel the Committee on Education and the Workforce to consider all of the issues on this; not just little pieces of it, not just the icing but the cake as well as the icing; to really talk about the central issues that are involved.

So I would say to the gentleman from New Jersey (Mr. PALLONE), I am looking forward to joining with the gentleman, the gentleman from Michigan (Mr. DINGELL) and scores of our colleagues, I hope 218 of our colleagues, a majority, in marching to that podium next Wednesday to sign a petition that would force this issue to come to the floor.

In the meantime, the members of our subcommittee, which I am privileged to lead from the Democratic side, will be doing whatever we can to use all the rules at our disposal to compel a vote, first in our committee and then on this floor, on this very, very important issue.

I can certainly accept the fact that there will be those who disagree with us that the health insurance industry should be held to the same standard that everyone else in America is held to. That is not a universally-held view.

But I would challenge, Mr. Speaker, those who disagree with our view to let us have our day in court. Let us bring our bill to the floor. If Members disagree with our bill, try to amend it. If Members believe it cannot be amended, then vote against it. But do not deny the will of the people of the country, and I believe the will of the majority of Members of this Chamber, when push comes to shove, to enact a law which is a real Patients' Bill of Rights which says to the health insurance industry that you are an important part of our economy, we value what you do, we encourage your continued development, but we do not hold you open to special treatment. We do not exempt you from responsibility for the decisions that you make and the wrongs that you sometimes cause as a result of your decisions.

I assure the gentleman from New Jersey (Mr. PALLONE) that the Democratic Members, and I hope we will be joined by Members of conscience from the other side of the Committee on Education and the Workforce, that we are going to knock on every door, pursue every road, and use every rule at our command so that the will of the majority can be done.

Mr. PALLONE. I want to thank my colleague, the gentleman from New Jersey, and particularly for the references he made to this effort in the

gentleman's subcommittee to do this piecemeal approach, if you will. I understand what the gentleman is saying, which is that finally at least there is going to be some discussion or perhaps some action on HMO or managed care reform in the subcommittee.

But the gentleman rightly points out that this piecemeal approach is really not the right way to go. The problem is that it would allow the Republicans to essentially pick and choose what kind of patient protections they want us to consider.

My fear is that they will ignore important parts of the Patients' Bill of Rights, such as the right to sue, or even, just as important, the really good definition of medical necessity.

We have talked about medical necessity a little tonight, but I do not know that we have really described it that much. Basically, the core of the Patients' Bill of Rights is this idea that the doctor, or I should say the health care practitioner, because our next speaker is of a nursing background, and I want to make it clear, we are not just talking about physicians but also nurses. But the core of the medical necessity idea is that the decision about what kind of procedure, operation, or length of stay in the hospital, as the gentleman from New Jersey (Mr. ANDREWS) mentioned, is determined by the patient and their health care practitioner, their doctor or nurse, not by the insurance company.

That is one of the things that I am convinced would never see the light of day if this piecemeal approach were adopted. So I am glad to see that the gentleman as the ranking member and the other members, the Democrats on this committee, are taking this position and going to have this press conference tomorrow. I thank the gentleman.

I yield to the gentlewoman from Texas (Mrs. EDDIE BERNICE JOHNSON). She is a nurse by background, and I think that brings a lot to this whole debate, because once again we are looking at this from a practical point of view.

One of the things that I notice when I go and talk to my constituents is that the reason there is overwhelming support for the Patients' Bill of Rights is because people understand that on a day-to-day basis that this is what is needed.

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This is real. This is not pie in the sky. This is not ideological. This is what is happening day-to-day.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation to the gentleman from New Jersey (Mr. PALLONE) for taking the leadership and making sure that we get a chance to discuss such an important issue.

Mr. Speaker, I am delighted to participate tonight in this special order.